IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

FRIDAY, THE 15TH JUNE 2007 / 25TH JYAISHTA 1929

WP(C).No. 7360 of 2007(A)

PETITIONERS:

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1. ARON ROLAND FERMADEZ, KUNNUNGAL HOUSE, VEBORKARA, PUTHENCRUZ P.O., KARIMUGAL.

2. AGNUS SANI, W/O.ARON ROLAND FERNANDEZ, KUNNUNGAL HOUSE,VEBORKARA, PUTHENCRUZ P.O., KARIMUGAL.

BY ADV. SRI.R.S.KALKURA
SRI.M.S.KALESH
SRI.HARISH GOPINATH
SRI.V.VINAY MENON
SRI.KIRAN SANKAR

RESPONDENTS:

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1. KERALA STATE CO-OPERATIVE HOUSING FEDERATION, KABOR, ERNAKULAM, REPRESENTED BY ITS SENIOR INSPECTOR OC CO-OPERATIVE SOCIEITY, ARBITRATOR-CUM-SPECIAL SALE OFFICER.

2. KOLENCHERY HOUSING CO-OPERATIVE SOCEITY NO.E.695, KOLENCHERY, REPRESENTED BY ITS SECRETARY

R2 BY ADV. SRI.K.S.PAILY (KARAMAKUZHY)
BY GOVT. PLEADER SRI. P.N. SANTHOSH.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 15/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC. 7360/2007.

APPENDIX

PETITIONER'S EXTS:

EXT. P1 : TRUE COPY OF THE RECEIPTS.
(SERIES)

EXT. P2 : TRUE COPY OF THE PASSBOOK REGARDING LOAN.

EXT. P3 : TRUE COPY OF THE NOTICE UNDER RULE 81(a)(c) DATED 30.11.2006.

EXT. P4 : TRUE COPY OF THE AUCTION NOTICE DATED 17.1.2007.

EXT. P5 : TRUE COPY OF THE LETTER SUBMITTED BY THE PETITIONERS DATED 23.1.2007.

EXT. P6 : TRUE COPY OF THE RECEIPT NO.4262 DATED 17.3.2007.

EXT. P7 : TRUE COPY OF THE DD NO.393919 DATED 29.3.2007.

RESPONDENTS' EXTS:

EXT. R1(a) : TRUE PHOTO COPY OF THE AWARD DT. 9.11.04 IN A.R.C. NO.795 RENDERED BY THE ARBITRATOR.

EXT. R1(b) : TRUE PHOTO COPY OF THE MORTGAGE DEED DT. 22.2.2002 SUBMITTED BY THE PETITIONERS BEFORE SOCIETY.

K.M.JOSEPH, J.

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WP.(C) No.7360 of 2007

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Dated this the 15th day of June, 2007

JUDGMENT

Petitioners availed a loan and it was not repaid. Recovery steps were taken. As per the interim order Rs.40,000/- already paid. Petitioners pray for time to pay the amount.

2. I heard counsel appearing for the second respondent also.

The writ petition is disposed of as follows:

Petitioners are permitted to pay off the entire amount due in ten equal monthly instalments, the first of which shall be paid on or before 16.7.2007 and the subsequent instalments on or before the 16th of every succeeding month. The second respondent will serve upon the petitioner a statement showing the exact amount due as instalments within two weeks from today. If the petitioners commit default in payment of any one instalment, it is open to the second respondent to proceed against the petitioners in accordance with law.

(K.M. JOSEPH, JUDGE)

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